

UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF NEW YORK

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THE UNITED STATES OF AMERICA

*ex rel.*

FOX UNLIMITED ENTERPRISES, LLP

Plaintiff/Relator,

**Civ. No.: 1:19-cv-00914-GLS-CFH**

v.

TRIMARK USA, LLC, TRIMARK GILL  
GROUP, TRIMARK GILL MARKETING  
F/K/A GILL MARKETING, INC.  
GOVERNMENT SALES, LLC  
F/K/A GOVERNMENT SALES, INC.,  
JOHN DOES #1-50, FICTITIOUS NAMES,

Defendants.

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### **STATUS REPORT**

On April 21, 2023, this Court entered a consent judgment in favor of United States of America and Fox Unlimited Enterprises, LLP (“Plaintiff-Relator”) against defendants TriMark USA, LLC, TriMark Gill Group, and TriMark Gill Marketing (collectively, “Defendants”). (Dkt. No. 24).

On April 21, 2023, the court directed the parties to file a status report on the remaining claims on or before May 22, 2023. (Dkt. No. 25). On May 24, 2023, this Court ordered Plaintiff-Relator to file a status report on the remaining claims on or before May 31, 2023. (Dkt. No. 26).

Pursuant to this Court’s order of May 24, 2023, Plaintiff-Relator submitted a status report that confirmed the only remaining claim in this matter is Plaintiff-Relator’s claim against

Defendants for reasonable expenses necessarily incurred and reasonable attorneys' fees and costs to which it is entitled pursuant to 31 U.S.C. § 3730(d).

On June 7, 2023, this Court ordered Plaintiff-Relator to file a status report on the remaining claim on or before August 1, 2023. (Dkt. No. 28). On August 1, 2023, counsel for Plaintiff-Relator reported that the parties were still negotiating the lone remaining claim. (Dkt. No. 29). On August 7, 2023, this Court ordered Plaintiff-Relator to file a status report on the remaining claim on or before September 6, 2023. (Dkt. No. 30). On September 6, 2023, counsel for Plaintiff-Relator reported that the parties were still negotiating the lone remaining claim. (Dkt. No. 31). On September 13, 2023, the Court ordered Plaintiff-Relator to file a status report on the remaining claim on or before October 13, 2023. (Dkt. No. 32). On October 13, 2023, counsel for Plaintiff-Relator reported that the parties were still negotiating the lone remaining claim. (Dkt. No. 33). On October 16, 2023, the Court ordered Plaintiff-Relator to file a status report on the remaining claim on or before November 15, 2023. (Dkt. No. 34).

Accordingly, Plaintiff-Relator reports that the negotiations are nearing their conclusion with a near-final offer currently being considered. Based on the recent communications between the parties, Plaintiff-Relator remains confident the last remaining claim can be negotiated and resolved within the next 30 days. Accordingly, Plaintiff-Relator proposes to notify the Court in writing as soon as such a resolution is reached or if more time beyond 30 days is necessary to finalize the terms of the resolution.

Respectfully submitted,

/s/ Andrew M. Miller

Andrew M. Miller (admitted *pro hac vice*)

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